



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 18th March, 1994:—

## I

BILL No. LXXVII of 1993

*A Bill to provide for compulsory desiltation of Dams and Rivers by the State and matters connected therewith.*

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Desiltation of Dams and Rivers Act, 1993.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act unless the context otherwise requires,—

(a) "Dam" means a barrier constructed over a river to hold back its water to form a reservoir for preventing floods and other purposes;

(b) "river" includes any stream, canal, creek or other channels whether they are natural or artificial;

(c) "desiltation" means removing of sediments of rocks and clay deposited by flowing water in a river or dam.

Short  
title  
extent  
and com-  
mence-  
ment.

Defini-  
tions.

(d) "prescribed" means prescribed by rules made under this Act.

National  
plan for  
desiltation  
of dams  
and rivers.

3. The Central Government shall formulate a National Plan desiltation of dams and inter state rivers of the country, from time to time as a measure towards combating floods.

Compul-  
sory desil-  
tation of  
dams and  
rivers.

4. Every State and Union Territory Government shall carry out Compulsory desiltation of dams located and rivers flowing through its territory during the lean periods of the years after demarcating a definite part thereof within a time frame under the direct supervision of the Central Water Commission.

Central  
Govern-  
ment to  
provide  
machinery  
and  
knowhow.

5. The Central Government shall provide to the State Government necessary machinery for desiltation of dams and rivers therein and shall also provide intensive training to the personnel engaged in the desiltation operations in such State.

Finan-  
cial assis-  
tance not  
to be  
given in  
certain  
cases.

6. Every State Government which does not accomplish the desiltation work prescribed under Section 4 of this Act shall not to be given any financial assistance from the natural calamities fund if it is affected by flood water of the river which was not desilted by the concerned State Government.

Indemnity  
not to be  
given to  
erring  
officials.

7. (1) Every supervisory officer entrusted with the work of desiltation of a dam or a river within the prescribed time frame, shall not be covered by indemnity if he does not complete the work within the time frame or does not even start the work and legal proceedings shall lie against him for negligence.

(2) If the offence of negligence is proved against such officer he shall be dismissed forthwith without giving him any future benefits whatsoever.

Central  
Govern-  
ment to  
undertake  
desilta-  
tion of  
Ports.

8. The Central Government shall undertake the desiltation of all the Ports which are directly under its charge within a time frame.

Power to  
make  
rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

Sedimentation of rivers, dams, ports and seas is a natural process. The flowing waters of rivers continuously bring particles of rocks and clay while flowing from one place to other and layers of silt continues to be deposited at the bottom of the river, dam, port and sea which continues to raise their bottom levels in natural ways. When the silt hardens it raises the bottom but reduces the depth of the river, dam, port or sea cannot and sea. When the depth is reduced the river, dam, port or sea cannot carry extra water in them and the water level is raised to such an extent that water crosses their banks and starts flowing outside. Thus sedimentation or siltation of rivers is one of the main causes of floods in our country as the silt raises the bottom level of the rivers. If desiltation is carried out regularly floods can be contained to a great extent. At present a number of multi-purpose Dams are full with silt which is adversely affecting the power generation in the country.

It is a matter of serious concern that the Central as well as several State Governments have imported desiltation machinery and equipments from abroad or have also purchased them from the domestic market but they are not using them at all. Either the irrigation departments do not have trained personnel for operating these machines or equipments or they deliberately do not use these equipments for desilting because floods give them rich dividends in the form of disbursing assistance to the affected ones. As a result these machines become junk in the course of time and the exchequer suffers heavy losses in both the ways. If desiltation is made compulsory and protection of indemnity is taken away from the responsible authorities, losses to the nation can be prevented both from the floods and turning the equipments into junk. At the same time those States who do not get the desiltation done within a time frame should not be given any assistance for combating floods. It will have a good effect on the negligent States.

Hence this Bill.

**S. S. ALLUWALIA**

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for compulsory desiltation of rivers and dams. Clause 5 provides that the Central Government shall provide machinery and knowhow for desiltation. Clause 8 provides that Central Government shall undertake desiltation of major ports. If enacted, the Bill will involve expenditure from the Consolidated Fund of India. It is expected that a sum of rupees one hundred crores is likely to be incurred as recurring expenditure per annum from the Consolidated Fund of India.

A non recurring expenditure of rupees fifty lakhs per annum is also likely to be incurred.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The Rules will relate to matters of details only. The delegation of legislative power is of normal character.

## II

## BILL No. LXXV OF 1998

*A Bill to provide for compulsory vocational and technical education in educational institutions and matters connected therewith.*

Enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Vocational Education Act, 1998.

Short  
title,  
extent  
and com-  
mence-  
ment.

(2) It extends to whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires, “vocational education” means and includes, vocational programmes of education, basic research and training in engineering technology, architecture, town planning, management, pharmacy, applied arts and crafts and such other technical programmes, as the Central Government may by notification in the official Gazette, declare.

Defini-  
tions.

Compul-  
sory vo-  
cational  
subjects  
at secon-  
dary  
schools  
levels.

3. (1) There shall be vocational subjects in all the Secondary and Senior Secondary Schools under the ten plus two system of education.

(2) There shall be minimum of two school level vocational subjects which shall be compulsory for all students and no secondary and senior secondary school certificate shall be awarded to any student unless he passes in those two subjects both in theoretical and in practical tests, if any.

Compul-  
sory vo-  
cational  
subject  
at col-  
leges.

4. There shall be at least one compulsory subject in every Degree course offered by a College or University and every student shall have to pass in that subject with practicals, if any, before a degree is awarded to him.

Govern-  
ment to  
establish  
technical  
schools  
and col-  
leges.

5. The Central Government shall establish adequate number of industrial training institutes or technical schools and colleges of its own or through private bodies all over the country, offering technical and Vocational education.

Provided that at least two such institutes or schools shall be established in every District of the country.

Restric-  
tion on  
opening  
of  
certain  
educa-  
tional  
institutes.

6. After the commencement of this Act, the Government shall not permit establishment of new secondary or senior secondary schools and colleges which offer only humanities and social sciences courses.

Power  
to make  
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

In our country the educational institutions are producing millions of certificate and degree holders every year and most of them find themselves unemployed after completing their studies. In fact, our education system is a clerk producing system which has completely lost its purpose in our vast country and its origin is found in the British rule in India. The British had introduced the education system similar to the present one in India, as they were in need of clerks. Apart from this system of education we do not have proper manpower planning system. The Government had failed in this field as it does not exactly know the actual needs of the country in various fields such as clerical jobs, engineers, doctors and other professionals. If manpower is planning effectively, it may go a long way in socio-economic progress of our Nation.

But it is very unfortunate that we are still continuing with that system of education, and consequently unemployment is growing day by day. The educated youth have no useful vocation to follow on their own. The frustrated youth often take to destructive courses or are abetted to enter into the world of crimes.

Comprehensive technical and vocational education is the only answer to this problem. Vocational education should form a compulsory part of the courses in schools and colleges so that the students after completing their courses, can get useful employment in industrial establishments or through self-employment can earn their livelihood without looking only for white collar jobs. Moreover, if we have trained people in difference fields and crafts we can send them to foreign countries where they would be in great demand. The Government itself can channelise export of trained technical manpower to foreign countries through its chain of employment exchanges. It will not only help in eradicating unemployment to a great extent but will also earn valuable foreign exchange for the country. But this dream can be brought into reality if we offer maximum technical institutions on the lines of industrial training institutes to the youth for proper training and making our schools and colleges education vocational training oriented.

This Bill seeks to achieve the above objects.

S. S. AHLUWALIA

## FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the Government shall establish more Schools and Colleges, at least two in every District, for imparting technical and vocational education. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one hundred crores per annum.

It is also likely to involve a non recurring expenditure of about rupees ten crores.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. These rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.



## I II

BILL No. LXXVI OF 1993

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1993.

Short  
title and  
commen-  
cement.

(2) It shall come into force with immediate effect.

2. After article 30 of the Constitution, the following article shall be inserted, namely:—

Insertion  
of new  
article  
30A.

**“30A. (1) The State shall provide free education including engineering and medical education, to all children upto graduation level.**

Right to  
free  
education  
upto  
gradua-  
tion level

**(2) The State shall also provide adequate number of schools, colleges including engineering and medical colleges and free books, stationery, uniforms, transport, nutritious meals and hostel facilities to the students to avail the benefits provided in this article.**

3. Article 45 of the Constitution shall be omitted.

Omission  
of article  
45.

## STATEMENT OF OBJECTS AND REASONS

Even after 43 years of Independence our country has made very little progress in the field of education. More than 60 per cent of the population is still illiterate and majority of them are from villages. In male female ratio of illiteracy females contribute to more than 90 per cent. Similarly amongst the Harijans, adivasis and backward communities the rate of illiteracy is very high. The simple, orthodox illiterate villagers become easy prey to the landlords and Mahajans who exploit them to the maximum and as a result thereof these simple men, women and children, unaware of their rights, work as bonded labour throughout their lives. In the urban areas also the contractors and other persons in similar trades exploit these illiterate men and women.

Though article 45 of the Constitution directs the State to provide free education to the children upto the age of 14 years yet we have not achieved the target of even free primary education for all children. The engineering and medical education has become the monopoly of affluent ones though there is no dearth of talent at the village level. It is really a matter of concern for all of us that during the past 43 years we have given very low priority to education. There are no pucca schools, no desks, no teachers, no libraries, no laboratories and even no black boards. Since article 45 is not enforceable in a court of law, we will have to make education a Fundamental Right so as to force the Government to give top priority to education. It is high time that this is done.

Hence this Bill.

S. S. AHLUWALIA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to education upto graduation level. Since the right is being made a Fundamental Right the Government will have to establish schools and colleges, for providing education free of cost. The Bill, if enacted would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees one thousand crores per annum.

It is also likely to involve a non recurring expenditure of rupees one hundred crores.

IV

BILL No. XIII OF 1994

*A Bill to provide for the prohibition of using images of Gods and Goddesses or founders of religions who are worshipped by their followers as trade marks particularly in harmful substances such as tobacco, tobacco products and intoxicating substances and for matters connected therewith.*

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Using Images of Gods and Goddesses as Trade Marks Act, 1994.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases the Central Government;

Short  
title,  
extent  
and  
commence-  
ment.

Definitions

(b) "images of Gods" include images of Goddesses and founders of various known religions who are worshipped by their followers;

(c) "package" includes any case, box, container covering, folder, receptacle, vessel, casket, bottle, wrapper, label, band, ticket, reel, frame, capsule, cap, lid, stopper and cork;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "trade mark" means a mark capable of being represented graphically and which is capable of distinguishing the goods of one person from those of other in the trade circle.

Prohibition  
of apply-  
ing  
images of  
gods as  
trade  
marks on  
packages.

3. No person shall, after one year of the commencement of this Act, apply images of gods as trade mark on a package which he intends to sell to any prospective consumer, dealer or retailer in the market.

Central  
Govern-  
ment  
not to  
register a  
trade mark  
with  
image  
of God  
Penalty.

4. Notwithstanding anything contained in any other law for the time being in force the Central Government shall not register a trade mark based on the image of God.

5. Any person who contravenes the provisions of this Act shall be punishable with imprisonment for a term which shall not be less than one year but which may extend up to five years and with fine which shall not be less than fifty thousand rupees but which may extend up to two lakh rupees.

Offences by  
Companies.

6. If the person committing an offence under this Act is a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Offences  
to be cog-  
nizable.

7. The offences under this Act shall be cognizable.

Power to  
make rules

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

1	2	3	Sums not exceeding		
No. of Vote	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total	Rs.
		Rs.	Rs.	Rs.	
51	Department of Industrial Development Revenue	1,00,000	5,00,000	6,00,000	
52	Department of Heavy Industry . . . Revenue	54,99,00,000	..	54,99,00,000	
53	Department of Public Enterprises . . . Revenue	11,00,000	..	11,00,000	
55	Ministry of Information and Broadcasting Revenue	2,78,00,000	..	2,78,00,000	
56	Broadcasting Services Capital	..	30,00,000	30,00,000	
57	Ministry of Labour . . . Revenue	92,36,00,000	..	92,36,00,000	
58	Law and Justice . . . Revenue	16,70,00,000	3,69,00,000	20,39,00,000	
60	Ministry of Mines . . . Revenue	59,71,00,000	..	59,71,00,000	
61	Ministry of Non-Conventional Energy Sources . . . Revenue	3,80,00,000	..	3,80,00,000	
62	Ministry of Parliamentary Affairs . . . Revenue	48,00,000	..	48,00,000	
63	Ministry of Personnel, Public Grievances and Pensions . . . Revenue	5,81,00,000	..	5,81,00,000	
		62,00,000	64,00,000	1,26,00,000	
64	Ministry of Petroleum and Natural Gas . . . Revenue	19,00,000	..	19,00,000	
66	Department of Statistics . . . Capital	73,00,000	..	73,00,000	
68	Ministry of Power . . . Capital	414,79,00,000	160,25,00,000	575,04,00,000	
71	Department of Science and Technology . . . Revenue	7,50,00,000	..	7,50,00,000	
72	Department of Scientific and Industrial Research . . . Revenue	23,44,00,000	..	23,44,00,000	
		2,31,00,000	..	2,31,00,000	
74	Ministry of Steel . . . Capital	791,02,00,000	..	791,02,00,000	
75	Ministry of Surface Transport . . . Revenue	1,32,00,000	..	1,32,00,000	
		7,96,00,000	..	7,96,00,000	
76	Roads . . . Revenue	36,64,00,000	..	36,64,00,000	
		8,58,00,000	..	8,58,00,000	
77	Ports, Lighthouses and Shipping . . . Revenue	69,74,00,000	..	69,74,00,000	
		23,01,00,000	..	23,01,00,000	
78	Ministry of Textiles . . . Revenue	4,00,000	..	4,00,000	

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

V. S. RAMA DEVI,  
*Secretary-General.*

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